

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

CASE NO. 6:15-bk-7397-CCJ

BUNKERS INTERNATIONAL CORP.,
ET AL.,

CHAPTER 11

Debtors.

Jointly-administered¹

AMERICAS BUNKERING, LLC'S
MOTION TO DISMISS CHAPTER 11 CASE

AMERICAS BUNKERING, LLC ("Debtor"), by and through its undersigned counsel, and pursuant to 11 U.S.C. §§ 105(a) and 1112(b) of the Bankruptcy Code, and Federal Rules of Bankruptcy Procedure 1017 and 2002(a)(4) requests that this Court dismiss its Chapter 11 case (Case No. 6:15-bk-7400-CCJ), and in support of its motion states as follows:

1. On August 28, 2015 (the "Petition Date"), Debtor filed a petition under Chapter 11 of the Bankruptcy Code. On the Petition Date, three affiliate companies of the Debtor also filed their Chapter 11 bankruptcy petitions – Bunkers International Corporation; Atlantic Gulf Bunkering, LLC and Dolphin Marine Fuels, LLC (collectively the "Liquidating Debtors"). The Liquidating Debtors are currently pursuing confirmation of their Joint Plan of Liquidation, which is scheduled for confirmation on January 28, 2016.

2. Debtor's Schedules reflect that it is merely a holding company for Dolphin Marine Fuels, LLC and Atlantic Gulf Bunkering, LLC with no assets and no causes of action to pursue.

¹Jointly-administered cases: Bunkers International Corp., Case 6:15-bk-7397-CCJ; Americas Bunkering, LLC, Case 6:15-bk-7400-CCJ; Atlantic Gulf Bunkering, LLC, Case 6:15-bk-7402-CCJ; Dolphin Marine Fuels, LLC, Case 6:15-bk-7404-CCJ

3. Debtor submits that “cause” exists for the dismissal of this case pursuant to section 1112(b)(1) and (4). Section 1112(b)(4) of the Bankruptcy Code provides a litany of statutory examples of “cause” for dismissal or conversion of a chapter 11 case, but a bankruptcy court is not constrained by those enumerated examples and may find “cause” based on the facts and circumstances of the particular chapter 11 case. *See In re Nugelt, Inc.*, 142 B.R. 661, 665 (Bankr. D. Del. 1992). The legislative history of section 1112(b) of the Bankruptcy Code is nonexclusive, such that a bankruptcy court has the ability to dismiss a chapter 11 case for any reason cognizable to its equity powers. *See H.R. Rep. No. 595, 95th Cong., 2d Sess.* 405-06 (1978).

4. Based upon the following, it is clear that cause exists for the dismissal of Debtor’s Chapter 11 Case. First, Debtor has no funds available for distribution and no assets to be liquidated or recovered for the benefit of its estate. Furthermore, because Debtor has no assets to liquidate, Debtor submits that converting its Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code would create unnecessary administrative expenses, with no meaningful prospect of recovery, and is therefore unwarranted. Dismissal on the other hand, will eliminate the accrual of any administrative expense obligations and bring this case to a prompt conclusion. In short, there is no remaining purpose to be served by having Debtor remain in a bankruptcy case under any chapter.

5. Accordingly, Debtor seeks entry of an order pursuant to § 1112(b)(1) dismissing its Chapter 11 case and submits that doing so is in the best interests of its estate and creditors.

WHEREFORE, the Debtor respectfully requests that the Court enter an order (i) granting this Motion; (ii) dismissing this Chapter 11 Case; and (iii) granting such other and further relief as is just and proper in the circumstances.

RESPECTFULLY SUBMITTED this 28th day of January 2016.

/s/ R. Scott Shuker

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In re:

CASE NO. 6:15-bk-7397-CCJ

BUNKERS INTERNATIONAL CORP.,
ET AL.,

CHAPTER 11

Debtors.

Jointly-administered¹

/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the **DEBTOR'S MOTION TO DISMISS CHAPTER 11 CASE**, together with any exhibits, has been furnished either electronically and/or by U.S. First Class, postage prepaid mail to: all creditors and parties-in-interest, as shown on the mailing matrix attached hereto; and the U.S. Trustee, 400 West Washington Street, Suite 1100, Orlando, Florida 32801; on this 28th day of January 2016.

/s/ R. Scott Shuker
R. Scott Shuker, Esq.

¹Jointly-administered cases: Bunkers International Corp., Case 6:15-bk-7397-CCJ; Americas Bunkering, LLC, Case 6:15-bk-7400-CCJ; Atlantic Gulf Bunkering, LLC, Case 6:15-bk-7402-CCJ; Dolphin Marine Fuels, LLC, Case 6:15-bk-7404-CCJ

Label Matrix for local noticing
113A-6
Case 6:15-bk-07397-CCJ
Middle District of Florida
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Mon Dec 28 10:16:37 EST 2015

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BAY ROAD
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ST. KITTS

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185 INTERNATIONAL DRIVE
PORTSMOUTH, NH 03801-6836

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Spectrum Bridge Inc
110 Timberlachen Circle
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Lake Mary, FL 32746-3339

TEEKAY CHARTERING LTD
TEEKAY SHIPPING (UK) LTD
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LONDON SW1Y 6JD
UNITED KINGDOM

TRAMP OIL & MARINE
SUITE 1302
AVENIDA NUEVA LIBERTAD 1405
VI A DEL MAR
CHILE

SEA MARINE FUELS LLC
SUITE 304, 4440 PGA BLVD
PALM BEACH GARDENS, FL 33410-6541

SKR Global Advisers LLC
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Bethesda, MD 20817-4209

SOUTHEASTERN REALTY GRP INC
933 LEE ROAD, SUITE 400
ORLANDO, FL 32810-5586

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5131 RECKER HIGHWAY
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MIAMI, FL 33178-1497

SHELL TRADING (US) CO INC
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HOUSTON, TX 77002-6336

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6 AVENUE MARCEAU
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